

**MINUTES OF THE  
HOUSE SPECIAL INVESTIGATIVE COMMITTEE**  
Wednesday, September 11, 2013 – 9:00 a.m. – Room 445 State Capitol

**Members Present:**

Rep. James A. Dunnigan, Chair  
Rep. Rebecca Chavez-Houck  
Rep. Brad L. Dee  
Rep. Susan Duckworth  
Rep. Francis D. Gibson  
Rep. Lynn N. Hemingway  
Rep. Mike K. McKell

Rep. Lee B. Perry  
Rep. Jennifer M. Seelig

**Staff Present:**

Mr. Jerry D. Howe, Managing Policy Analyst  
Mr. John L. Fellows, Legislative General Counsel  
Mr. Eric N. Weeks, Deputy General Counsel  
Ms. Sara J. Thomas, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Dunnigan called the meeting to order at 9:09 a.m.

**MOTION:** Rep. Duckworth moved to approve the minutes of the August 6, 2013, meeting. The motion passed unanimously. Rep. Gibson was absent for the vote.

Chair Dunnigan requested that the committee and all attendees observe a moment of reflection commemorating September 11, 2001.

**2. Introduction of Special Counsel and Investigators**

Chair Dunnigan introduced Mr. Steven Reich, Akin Gump Strauss Hauer & Feld LLP, and Mr. Jim Mintz, Mintz Group, to the committee.

Mr. Reich expressed his gratitude to the committee for the trust it has placed in his team. He stated his commitment to assist the committee in conducting a full, fair, and impartial inquiry.

Mr. Mintz expressed his gratitude to the committee. He declared the intention of his team to follow the facts wherever they lead and to conduct the investigation fairly and thoroughly.

**3. Admission of Special Counsel – Pro Hac Vice**

Chair Dunnigan explained that the committee is required to formally authorize special counsel to act on its behalf.

**MOTION:** Rep. Dee moved, based on the grounds listed in the proposed "Order of Special Investigative Committee," and in accordance with Utah Code Section 78A-9-103 and Rule 5.5 of the Utah Rules of Professional Conduct, that this committee enter an order authorizing the lawyers named in the proposed order to appear before this committee in relation to investigating "allegations of misconduct against the current attorney general and matters related to the attorney general that arise as part of the investigation." Rep. Dee further moved that this committee authorize the chair of this committee to sign the order on behalf of the committee. Chair Dunnigan noted that the lawyers named in the proposed order are Steven

F. Reich, Steven R. Ross, Samidh Guha, Christopher M. Egleson, Megan L. Greer, and Patrick M. Mott. The motion passed unanimously. Rep. Gibson was absent for the vote.

Chair Dunnigan invited Mr. Reich and Mr. Mintz to join the committee on the dais.

#### **4. Outline of Investigative Plan**

Chair Dunnigan explained that Mr. Reich would now outline the investigative plan for the committee and noted that committee members were welcome to ask questions.

Mr. Reich explained that it is common at the outset of an investigation such as the one at hand for attorneys and investigators to put together a plan of action for how to go about gathering and analyzing facts. He noted that there is no one-size-fits-all approach for how to conduct an investigation and further explained that the committee will likely make many decisions using a witness-by-witness or issue-by-issue approach. He went on to outline several options that the committee could choose to pursue, including: (1) examining what is in the public record, (2) obtaining documents from nonpublic sources as well as conducting informal interviews with private citizens, (3) conducting transcribed interviews on the record, (4) coordinating with other bodies undertaking similar investigations, and (5) presenting evidence and testimony to the committee in a public setting. He went on to respond to questions from the committee.

Committee discussion followed relating to the process for individuals who wish to provide information to the committee or who wish to be contacted by investigators.

#### **5. Other Items/Adjourn**

**MOTION:** Rep. Perry moved to adjourn the meeting. The motion passed unanimously.

Chair Dunnigan adjourned the meeting at 9:39 a.m.